

From: Wayne Hedberg
To: commission@co.emery.ut.us
Date: 8/30/2005 2:22:57 PM
Subject: Lila Canyon Road Agreement

Dear Commissioner Hatch:

I work for the State Division of Oil, Gas & Mining and have the responsibility to re-evaluate the original road findings on the Lila Canyon Road as related to Utah American Energy, Inc. (UEI) Lila Canyon Coal Mine permit application. I have spoken with Rex Funk of the Emery County Road Department, Mark Mackiewicz of the Price BLM office and Mr. Jay Marshall of UEI regarding the road status as well. I am contacting you to request any updated information you may have regarding the status of the October 19, 1999 signed **Agreement** between Emery County and Utah American Energy, Inc. regarding the reconstruction and use of the Lila Canyon Road (#126).

By letter dated October 29, 2004, to Commissioner Drew Sitterud, I forwarded a similar inquiry regarding the status of this Agreement. Commissioner Sitterud responded by letter dated November 30, 2004, that the County considered the Agreement to still be in effect. Because nearly 9 months have transpired since that time, and we are getting closer to issuing a permit for the mine, I want to make sure that nothing has changed that might otherwise require an adjustment to our original road findings document.

I am aware that the County (through Johansen & Tuttle) has recently filed an amended right-of-way application with the BLM to address some minor road alignment changes and a borrow area for road fill. I was also informed that the original **Agreement** might need to be amended to add some language to include the Special Services District #1. Obviously, we want to make sure that no significant changes are proposed to the original **Agreement** between Emery County and UEI that might alter our original findings.

I would appreciate any insight or updated information you could provide in this regard at your earliest convenience. Thank you for your time and consideration of this request.

Respectfully yours,

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CC: Dana Dean; Pam Grubaugh-Littig; Sheila Morrison; Wayne Western